

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION COUNTY	ORDER AFTER PRELIMINARY HEARING/ INQUIRY, CHILD NOT REMOVED (CHILD PROTECTIVE PROCEEDINGS)	CASE NO. PETITION NO.
Court address _____		Court telephone no. _____

1. In the matter of _____
 (name(s), alias(es), DOB)

2. Date of hearing: _____ Judge/Referee: _____ Bar no. _____

THE COURT FINDS:

3. The child ☐ is ☐ is not subject to continuing jurisdiction of another court. Court: _____
4. A petition has been submitted alleging that the above child(ren) come(s) within the provisions of MCL 712A.2(b).
5. ☐ a. A preliminary inquiry has been made, and it is in the interests of the public or the child(ren) that further action
☐ be taken and the petition be authorized. ☐ not be taken.
- ☐ b. ¹A preliminary hearing was held. Notice of hearing was given as required by law.
6. There ☐ is ☐ is not probable cause that one or more of the allegations in the petition are true.
- ☐ 7. The probable cause determination was waived by all parties present.
- ☐ 8. There is probable cause the ☐ parent ☐ guardian ☐ legal custodian ☐ other person residing in the child(ren)'s home
 abused the child(ren). Presence of the alleged abuser in the home ☐ does ☐ does not present a substantial
 risk of harm to the child(ren)'s life, physical health, or mental well being and he/she ☐ should ☐ should not
 be ordered out of the home. (Use form JC 65, Order Removing Alleged Abuser from Child's Home as appropriate)
9. The conditions of custody in the home and with the individual with whom the child(ren) reside(s) are adequate to safeguard the
 child(ren) from the risk of harm to the child(ren)'s life, physical health, and mental well-being.
- ☐ 10. Parenting time with _____, even if supervised, may be harmful to the child(ren).
- ☐ 11. The child is a member of or eligible for membership in an American Indian tribe or band named _____
 _____ (complete and mail Form JC 48). Findings have been made on the record.

IT IS ORDERED:

- ☐ 12. The petition is not authorized ☐ and is dismissed. ☐ and is referred to _____
 _____ for alternate service. ☐ pending continuation of the preliminary hearing.
- ☐ 13. The petition is authorized and the child(ren) are released to the custody of _____
 under the terms and conditions in item 16. Name of parent, guardian, or legal custodian
- ☐ 14. Parenting time with _____ shall be as follows:
- ☐ 15. The child shall remain in the home pending ☐ resumption of preliminary hearing ☐ pre-trial ☐ trial ☐ disposition
 on _____ .
 Date and time
- ☐ 16. Other:

 Date

 Judge

¹ Do not check this item if order is based on preliminary inquiry or investigation only. Note that preliminary hearings are mandatory in matters where a child is removed from his/her home.

CHECKLIST FOR ADVICE OF RIGHTS AND GENERAL PROCEDURE FOR PRELIMINARY HEARING

1. ☐ Determine whether parents, guardian, or legal custodian have been notified, are present, and if not present, whether to proceed in their absence.
2. ☐ Determine whether the lawyer-guardian ad litem for the child is present and direct that the lawyer-guardian ad litem for the child receive a copy of the petition.
3. ☐ If the respondent(s) are present, assure that each respondent has a copy of the petition.
4. ☐ Read the allegations in the petition in open court unless waived by all parties.
5. ☐ Determine whether the petition should be dismissed or the matter referred to alternate services , otherwise the preliminary hearing shall continue.
6. ☐ Advise respondent of right to the assistance of an attorney.
7. ☐ Advise respondent of right to trial on the allegations in the petition and that the trial may be before a referee unless a timely demand for a jury or judge is filed.
8. ☐ Allow respondent an opportunity to deny or admit allegations and make statement of explanation.
9. ☐ If the hearing is held by a referee, advise parties of the right to file a request for review of the referee's recommended findings and conclusions.
10. ☐ Inquire whether the child is subject to the continuing jurisdiction of another Michigan court and, if so, which court.
11. ☐ Inquire if minor or either parent is a member of any American Indian tribe or band, and if so, determine the identity of the child's tribe, follow the procedures in MCR 3.980, and determine whether to continue with the preliminary hearing.
12. ☐ Unless the preliminary hearing is adjourned, decide whether to authorize the filing of the petition, and if authorized, the conditions for release of the child to a parent, guardian, or legal custodian.
13. ☐ Advise parent where additional costs or reimbursement may be assessed.
14. ☐ Having found the alleged abuser should be ordered out of the home, complete JC 65, Order Removing Alleged Abuser from Child's Home.